Previous references.

File No. 71
of 1903-04.

✓
1904.

(III Courts.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

PART B FOR July 1904.

SUBJECT.

Memorial of Mr P. Singrachari, Sub-Judge Bangalore to be allowed to count his service as public prosecutor towards his pension -

FILE No. 71 of 1903-04.

Mr. P. Singrachari's memorial to be allowed to count his service as Government Prosecutor towards pension.

✓ 1 From the Registrar of the Chief Court, No. 7395, dated 28th June 1904.
Forwards the Memorial of Mr. P. Singrachari, Subordinate Judge of Bangalore, praying that he may be allowed to count his service as Government Prosecutor towards pension. (4/1931)
[Recorded, with no present orders.]

G. R. S. 58.
27.7.04

G.R.S. 11] 1904.05

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 71 of 03 rm

FILE HEADING.

Memorial of Mr. P. Sujgracher. Subordinate judge, Bangalore. praying that he may be allowed to Count his service as Public Prosecutor from April 1881 towards Pension.

From

The Registrar of the Chief Court

No. 7355/330 Dated the 2nd June 04 Received 25th June 1904.

Diary No. 9.1531	Enclos. Two. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards the memorial for Consideration.

NOTES AND ORDERS.

1 Mr. Sujgracher was appointed Govt. Prosecutor on the 12th April 1881. and was promoted to a Munsiff, 2nd grade, on the 9th June 1886. The period which he now wants to Count towards pension is 5 years. 1m 28 days. No reference as to

NOTES—First sheet.

MGCPB—5,000—18-5-04

General and Revenue Secretariat.

File No. 71 of 1908 —ch.

Serial No.

the circumstances under which he was appointed Public Prosecutor is forthcoming from the general Records. Under Art. 230 d(c). 1. of the Mysore Service Regulations no claim to Pension is admitted in the case of Public Prosecutors not debarred from private practice.

Submitted with available papers.

4/7/04

2. Put up a Statement of the services of Mr Srinivachar commencing with his appointment as Public Prosecutor.

Also, the papers relating to his appointment as Munsiff. These at least, I hope, are available.

4.7.04

3. The available papers relating to Mr Srinivachar's appointment as Munsiff with a Statement of his services submitted.

6/7/04

8.7.04

MGCPB—10,000—19-5-04

1881. P. Sinjarachar.
Joined the Service 12th April 1881.
Born 1825.

Station	Substantive Appointment	Date	Officiating Appointment	Date
Bangalore	Govt. Prosecutor, Vandravasi Dvn.	12 April 1881.		
Chanjanguid	Munsiff. 2nd grade —	9 June 1886		
Do.	Do. 1st Class —	1 July 1890		
Bangalore	Do.	14 July 1890		
Do.	Munsiff, 1st Class.	1 Jan 1892		
	Privilege Leave for 9 days from 15th May 1894			
Shimoga	Munsiff, 1st Class —	30 May 1895.		
	Privilege Leave for 21 days from 7th October 1895.			
Shimoga.	Munsiff, 1st Class —	28 Oct 1895		
Mysore.	Do.	...	Subordinate 2nd Class.	4. Aug 1896
Shimoga.	Do.	...	Do.	25 Sep. 1896.
Mysore.	Principal Munsiff.	10 Nov 1897.		
Do.	Do.	...	Subordinate	5 Sep 1898
Do.	Subordinate, 2nd Class. Sub Probation	16 Sep 1898.		
Do.	Do. Confirmed.	23 Dec 1899.		
Shimoga.	Do. Do.	16 Mar 1899.		
	Privilege Leave for 15 days from 1st Nov 1900.			
Mysore.	Subordinate 2nd Class —	16 Nov 00.		
	Privilege Leave for 1 month from 18 Feb 02			
Do.	Subordinate 2nd Class	18 Mar 02		
	Privilege Leave for 22 days from 10 August 03			
Bangalore	Subordinate 2nd Class	1 Sep 03		

Serial No.

4 On a strict application of Article 230 (c) of the Service Regulations, it seems clear that Mr Sinjanachar is not entitled to count his service as Public Prosecutor (from April 1881) as pensionable. The Comptroller's opinion given in 1895 on a former memorial of Mr Sinjanachar is applicable to this case also; viz. that a Public Prosecutor is not only under Govt service & does not count for purposes of pension; but that Government has the right to grant any concession or indulgence not provided for in the Service Regulations.

5 If Govt is disposed to grant such a concession, it may be supported on the following considerations :-

~~1) The service under acceptance is not that [illegible] is full time [illegible] the service,~~

~~but~~

(G.R.S. 12)

General and Revenue Secretariat.

File No. 77 of 1902-06.

Serial No.

1) Article 230(c) seems to refer primarily to an officer whose service has been entirely as a Public Prosecutor. Mr Srinivachari's case is different. The bulk of his service (from June 1886 to date) has been in a judicial office of first class and was immediately preceded by 5 years of service as Public Prosecutor.

2) Mr Srinivachari, who has a degree of the Bar & was recently a first grade, entered Govt service as a Sheristadar, and at the time of his late age of 37.

3) The late chief Justice states it as his recollection of the facts that "it was understood at the time [of Mr S's appointment as Munsiff] that the period of his service as Public Prosecutor would be added to the period of service as Munsiff."

Note—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 71 of 1903-04.

Serial No.

6. As the question relates to the pensionable service of a provincial officer, this is subj. thro' the 1st & 2nd Cs.
Mr Chandrasekharan
9.7.04.

Jo 1st C.

34/9-7-04

7 The question may be considered after the "officer" actually retires" (Vide article 476 of the Service Regulations) & the decision at present seems unsatisfactory.
9-7-04.

no 54/9/7/04. 8 Lay before the 2nd Committee
Jo 2 DC
8.7.1904
9.7.04

9. Shd we not hold in reserve proposals for departures from the existing rules unless they can be shown to special circumstances to recommend to the sanctioning authority when he proposes appointments. The question may be

NOTE—Contn. sheet.

MGCPB—10,000—19-4-04

7

General and Revenue Secretariat.

File No. 11 of 1903 o.c.

Serial No.

deferred until the Opinion already entered.

To Dewan

M.J.

MYSORE

14th July 1904.

My dear sir,

I beg to send herewith the file about Mr. Singrachar, Sub Judge, and a note by Mr.Ramachendra Aiyar, R.P., the retired Chief Judge. He refers to some understanding of 1886 of which you could not have been unaware. But you have dealt with the case as acting Dewan in 1900(August)although the matter was lying with an opinion expressed by you in 1896. I shall feel obliged by your kindly telling me if you recollect anything in this case and in reference to what Mr. Ramachendra Aiyar has stated.

Excuse me for the trouble and believe me,

Yours very sincerely,

Sd/ P.N. Krishna Murti.

To

Rajadharmapravina,

T.R.A. Thumboo Chetty Garluvaroo, Esq, C.I.E

M

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat. | File No. of 190

Private & Confidential

Bangalore
17th July 1904.

My dear friend,

In reply to your note re W Sanjeevachar's Memorial, I write to say that on a perusal of the several files sent to me, I fail to bring to my recollection the alleged promise or understanding with regard to W Sanjeevachar's service as Taluk Sirastadar allowed to count towards pension — I am not personally aware of the assurance which, W Sanjeevachar says, was given to him on two occasions — the first, about the time of his appointment as Mff in 1886, and the second, at the interview, he says, he had with Sir Sheshadri Iyer subsequent to the opinion recorded by me as Councillor on the first memorial —

My opinion is dated 6. 1. 96 and runs as follows: —

"The Comptroller's view seems correct. The Memorialist request is inadmissible under the Rules. He gave up the Profession and entered the Service to better his own prospects. While he was Taluk Sirastadar, he continued to practice. Any concession shown to Memorialist would form an inconvenient precedent. To Dewan Int'l R A T.

If after the above opinion was recorded & the file placed before Sir Sheshadri Iyer, W Sanjeevachar saw and spoke to the Dewan, and the latter promised to grant the Memorialist's prayer for concession, it seems strange that the file should have come back to me, 4 years afterwards, without any note from Sir Sheshadri Iyer, in support of the alleged promise or understanding — As Offg Dewan I passed, on 21. 8. 1900

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

General and Revenue Secretariat. | File No. 71 of 190 [illegible]

the following order:— I adhere to my opinion of 6-1-1896. An order may be drafted accordingly."— The draft as prepared embodied my remarks in extenso; but it was unfavorably passed by the Secretary, (Mr Freemantle), in a mutilated and abstract form, omitting the main grounds on which the extraordinary concession asked for was refused. The Secretary, in my humble opinion ought not to have abridged and modified the order as he liked, thereby making the order not consistent with the remarks passed by me — If the draft as prepared in conformity with my orders, was passed by the Secretary, it would have set forth explicitly the grounds of rejection and left no loophole for a second memorial or representation, in which Mr Swamy has criticised the action of the Offg. Dewan and insinuated that the matter might have been allowed to lie over till the return of the permanent Dewan, or disposed of after consulting him — How far a subordinate officer of Govt is entitled to indulge himself in such criticism I leave you to judge — I say the concession asked for is extraordinary all allowances for the act because it will not be entertained in British Provinces. There is no precedent. It was upon my recommendation to Mr Swamy the Govt appointed Mr Sivasubhan as Public Prosecutor. His practice was not so very lucrative in 1886, when he became Mr Swamy entry into Govt service was, I think, a real advancement for a sacrifice — or rather pecuniary loss — to him.

Dewan upto my [illegible]

Hon'ble K. Krishna Murthi Rao, B.A.B.L.
Dewan &c &c &c

Note—Contn. sheet.

G.R.S. 12]

General and Revenue Secretariat. | File No. of 190

Serial No.

172
11.7.04.

12 I cancelled Mr Thornton's letter and he does not remember any such promise — He attended as an opinion as a Councillor, & after several years during which the time the matter was pending be decided it as Off Servan adhering to his & recorded opinion — The order is inconsistent with the hope or promise said to have been held out by Superintendent and now relied upon by him — Rather than leave the matter in indefinite uncertainty to be decided in a distant future I would decide the matter once for all ~~H~~ A As both the Councillors have dealt with the matter we shall settle it over next Tuesday. (19th) My letter to Mr T & his reply are now added to the file — 17. VII. 04

~~H~~ Council Clerk to
13 Bring tomorrow please
18/7/1904

14 It was decided in Council on the 15th July 1904 that "the order need be passed now". MGCPB—10,000—19-4-04 File 15. 7. 1904

NOTE—Contn. sheet.

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

No 7395 h 2
330

J 1931. File No 7106
1903-09.
Le No 1

Bangalore.
28th June 1904.

From

V. A. Rajavalla Mudaliar Esquire,
Registrar, Chief Court of Mysore,

To

B. K. Venkata Varada Iyengar, Esqre
Offg: Secretary to the Govt of Mysore,
Gen: and Rev: Departments.

Sir,

I am directed to forward the accompanying memorial of Mr P. Singracharri, Subordinate Judge of Bangalore, praying that he may be allowed to count his service as Government Prosecutor from April 1881 towards pension, together with a copy of the Chief Judge's note thereon.

I have the honor to be,
Sir,
Your most obedient servant,

V Rajavallabhmudaliar
Registrar.

mlm

Note.

Mr Finigrahan requests me to forward his memorial to the Devan together with an expression of my opinion as to the correctness of the statements made by him. Inasmuch as I am the only surviving Judge, who constituted the Chief Court in 1886, he fears that if I also retire, without expressing my opinion, there may be no record as to the circumstances under which he was appointed as a Munsiff. I forward the papers which relate to his appointment. They do not show that any special hopes were held out to him by the Court. But if my memory does not deceive me, I think that it was understood at that time that the period of his service as Public Prosecutor would be added to the period of

service

service as Brunoff. I regret
that at this distance of time,
I am not in a position to
state anything positively.

28. 6. 04.

/Copy/

Reginald Arthur Rudd
Registrar.

Mehn

To.

SIR P. N. KRISHNA MURTI, K. C.I.E.,

DEWAN OF MYSORE,

BANGALORE.

The humble memorial of P. Singracharri, Subordinate Judge of Bangalore,

Respectfully Sheweth,

That your memorialist submitted a memorial to the Government through the Honourable Judges of the Chief Court praying (1) that the memorialist may be shown the exception, which under the special provision of the Article No. 479 (a) of the Mysore Service Regulations the Government is enabled to grant and (2) that a further concession of 3 years may be granted prior to 1881 -- under Section 275 of the Mysore Service Regulations as Legal -- Practitioner.

The circumstance, under which the memorialist was employed as "Munsiff" of Manjangud in June, 1886 was, as stated by the ... Chief Judge, Mr. C.G.Plumer, himself, in pursuance of the Policy of Government to draft some of the Legal Practitioners into Munsiff service, and the appointment of the memorialist as Munsiff further entailed not an inconsiderable pecuniary loss on him.

Having in view the provision of the enabling clause in the said Service Regulation, viz., Article No. 479 (a) the late Dewan Sir K. Seshadri Iyer, in the course of an interview, gave -

the memorialist a hope that the memorialist's services as Public Prosecutor would be taken into account in calculating his service under Government as a District Munsiff.

The memorialist being thus encouraged, submitted the said memorial, copy of which is annexed to this, putting forth expressly (vide para 3 of the memorial) the statement of Mr. C.G. Plumer that the appointment of the memorialist was made to give effect to the aforesaid policy of Government. During the pendency of the said memorial, which had reference to the hope held out by the late Dewan, the memorialist had an interview with the late Dewan Sir K. Seshadri Iyer, when that statesman having considered the circumstances of the case, verbally promised to grant the memorialist's humble prayer for the said concession.

Such being the peculiar features of the memorialist's case, the Officiating Dewan, Mr. T.R.A.Thumboo Chettiar, C.I.E.,would have done well to allow the memorial to stand over until the return of the late minister who made the promise, from leave or, if the disposal of the memorial was urgent, to have, at least, ascertained the declared view of the late minister by a reference to him.

This omission was very unfortunate to the cause of the memo--rialist, who cannot now remedy it owing to the death of the -- minister who made the promise.

The Officiating Dewan, however, disposed of the memorial - in part with reference to the applicability of the article No.

275, without a consideration of the main question, viz., prayer of the memorialist to count the period of his service as Government Prosecutor from April 1881 to June 1886, after exercising the extraordinary power of Government under clause 479 (a) of the said Regulation.

The memorialist now abandons his former prayer to count 3 years prior to 1881 claimed under clause No. 275, on the ruling of the Comptroller, appended to the memorial.

The memorialist, therefore, humbly prays that the benevolent Government may be pleased to consider his peculiar case in all its bearings and graciously grant, in the exercise of the powers conferred under the provision of the Article No. 479(a), the concession to the memorialist of counting his service as Government Prosecutor from April 1881 towards pension, for which act of grace the memorialist shall, as in duty bound, ever be grateful

With these humble representations the memorialist begs to remain,

Your Most Obedient and Humble Servant,

P. Sangaracharri

Letter No. 3414 dated $\frac{20}{21}$ December 1895 from the Comptroller to the Government of Mysore.

In reply to your Docket No. 6166/671 of the 22nd ultimo asking for my opinion with reference to the provisions of the two articles of the Mysore Service Regulations quoted in the memorial therewith forwarded from Mr. P. Singra Chari, Munsiff of Shimoga, I have the honour in returning herewith the memorial, to state that article 275 refers only to condonations of breaks not exceeding 3 years. If Mr. Singra Chari was in Government Service prior to 1878, resigned it in that year and re-entered service in 1881, within 3 years, service before 1878 will be counted notwithstanding the break of 3 years 1878—1881. Appointment as Public Prosecutor is no entry into Government service and there is no provision to recognize service as Public Prosecutor for purposes of pension. Under the rules in force, Mr. Singra Char's service can count only from June 1886, the date of his appointment as Munsiff; but under article 479 (*a*) the Government may, however, show any concession or indulgence not provided for in the Code.

(True Copy)

(Sd.) J. CLAPHAM,

Ag. Registrar.

Proceedings of the Government of Mysore.

Read :—

Letter No. 2270/110 dated 12th November 1895 from the Registrar of the Chief Court of Mysore, submitting, for orders, a memorial from Mr. P. Singra Chari, Munsiff of Shimoga, stating that the memorialist was appointed Government prosecutor of the District and Sessions Court of the Nandidrug Division in April 1881, and that in June 1886, he was appointed Munsiff of Nanjangud, Mysore District, and praying that in considerations of certain grounds set forth therein, his pensionable period of service may be reckoned from April 1878, *i. e.*, 3 years prior to the date of his appointment as Government Prosecutor, under article 275 of the Mysore Service Regulations.

2. Letter No. 3414 dated 21st December 1895 from the Comptroller to the Government of Mysore, furnishing his opinion on the subject.

Order thereon No. $\frac{3142—43}{\text{P. and A.}}$ dated Bangalore 30th August 1900.

Article 275 of the Mysore Service Regulations relied upon by Mr. Singra Chari has no application to his case and Government regret that his prayer is inadmissible under the Rules.

(Sd.) L. ANANTASAMI RAO,

For Secretary.

The Vaijayanti Press, 32, Mount Road, Madras

To

The Honourable The Chief Judge

and

The Honourable other Judges

of the Chief Court,

MYSORE.

Honoured Sirs,

The humble memorial of P. Singarachary, Munsiff of Shimoga, respectfully sheweth :—

1. That your memorialist was appointed Government Prosecutor of the District and Sessions Court of Nandidoorg Division in April 1881. He believes that he discharged the duties, appertaining to the office, to the satisfaction of the present Chief Judge and other Judges of the Chief Court, whom he had the honor to serve in that and other capacities.

2. That in June 1886 your memorialist had the honor of his name being submitted by C. G. Plumer, Esq., the then Chief Judge, to the Government for the Munsiffship of Nanjangode with the result that the appointment was sanctioned.

3. The said appointment the memorialist believes, from what he heard at the time of appointment from Mr. Plumer, was made on public grounds of Policy of Government to nominate a certain number of Munsiffs from among the members of the Bar in the interest of Public Service.

4. The memorialist begs to be permitted to state, and he feels it his humble duty to state for the purpose of this memorial, that he had a few words of encouragement amounting to a hope from the Dewan Sir K. Seshadry Iyer that his pensionable service might be accepted as commencing at least from the date of his appointment as Government Prosecutor.

5. It may be taken to be egotism on the part of the memorialist to take this opportunity to state the self-sacrifice that he made by accepting Public Service in accordance with the directions of the Chief Court. Nevertheless, it is a fact that he entered the service with certain amount of self-sacrifice. This fact is submitted respectfully as the main ground for the special indulgence prayed for by the memorialist.

6. The memorialist further begs to submit that under rule 275 of Mysore Service Regulation, the memorialist's service is capable of being reckoned from April 1878, 3 years prior to his having been taken as Government Prosecutor in addition to the special indulgence claimed by the memorialist.

7. Under rule 479 (*a*) of the Mysore Service Regulation the case of the memorialist is entitled to be recommended for the special indulgence of the Government, in consideration of the circumstances under which he was taken into Government Service and of the continued tenure of the service of the memorialist since 1881, under Government.

8. The memorialist humbly, therefore, prays that in consideration of the grounds briefly and respectfully set forth herein, which are not unknown to the Judges of the Chief Court and the Honorable Members of the Government, his pensionable period of service may be reckoned from April 1878 under section 479 (*a*) of the said Regulation. For which act of kindness and liberality the memorialist shall, as in duty bound, ever pray.

Your most obedient servant,

Nijagara Rao